

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE ENERGY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-325 Erie
	)	
VICTORY ENERGY OPERATIONS	)	Judge Sean J. McLaughlin
LLC,	)	
	)	
Defendant	)	

**VEO'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE*  
REQUESTING THE COURT TO TAKE JUDICIAL NOTICE**

Defendant, Victory Energy Operations, LLC ("VEO"), by and through its undersigned counsel, for its response to Plaintiff's Motion *In Limine* requesting the Court to take judicial notice, states the following:

VEO does not object to the Court taking judicial notice of the documents identified in Plaintiff's motion. VEO reserves the right and specifically objects to the admissibility of the documents identified in IKE's motion on the grounds of relevancy.

WHEREFORE, Victory Energy Operations, LLC respectfully requests:

- A. That this Court deny the relief requested in Plaintiff's Motion *In Limine* requesting the Court to take judicial notice of the documents identified in its Motion; and
- B. Such other relief as this Court deems equitable and just.

Dated: May 2, 2007

Respectfully submitted,

/s/ Matthew Garrett

One of the Attorneys for Defendant,  
VICTORY ENERGY OPERATIONS LLC

Christopher T. Sheean  
Brian W. Lewis  
Matthew Garrett  
Wildman, Harrold, Allen & Dixon LLP  
225 W. Wacker Drive, 28<sup>th</sup> Floor  
Chicago, IL 60606  
(312) 201-2997

LOCAL COUNSEL:

G. Jay Habas  
Marshall, Dennehey, Warner  
Coleman & Goggin  
1001 State Street, Suite 1400  
Erie, PA 16506  
(814) 461-7800  
PA ID No. 55581

Counsel for Victory Energy Operations LLC

**CERTIFICATE OF SERVICE**

Matthew M. Garrett, an attorney, certifies that on the 2nd day of May, 2007, he caused a copy of the foregoing ***VEO'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE REQUESTING THE COURT TO TAKE JUDICIAL NOTICE*** to be filed electronically, and that the CM/ECF system for the court will e-mail a copy of the foregoing to the following counsel of record:

John K. Gisleson  
Robert J. Williams  
Schnader Harrison Segal & Lewis LLP  
Fifth Avenue Place, Suite 2700  
120 Fifth Avenue  
Pittsburgh, PA 15222-3001  
Email: [JGisleson@Schnader.com](mailto:JGisleson@Schnader.com)  
ATTORNEYS FOR PLAINTIFF INDECK KEYSTONE  
ENERGY LLC

/s/ Matthew M. Garrett  
Matthew M. Garrett